

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

SANJEEV JAIN, M.D.

Case No. 800-2018-043770

**Physician's and Surgeon's
Certificate No. G88329**

Respondent

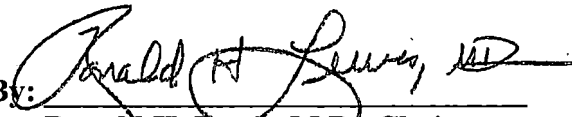
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 29, 2019.

IT IS SO ORDERED April 29, 2019.

MEDICAL BOARD OF CALIFORNIA

By: 

**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 REBECCA D. WAGNER
Deputy Attorney General
4 State Bar No. 165468
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3760
6 Facsimile: (415) 703-5480
E-mail: Rebecca.Wagner@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 800-2018-043770

14 **SANJEEV JAIN, M.D.**

15 1999 Mowry Avenue, Suite L
Fremont, CA 94538

16 **Physician's and Surgeon's Certificate No. G**
17 **88329**

18 Respondent.

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D.
26 Wagner, Deputy Attorney General.
27
28

1 2. Respondent Sanjeev Jain, M.D. (Respondent) enters into this Stipulated Settlement
2 and Disciplinary Order with the advice and counsel of his State of Washington counsel, Jennifer
3 Smitrovich, whose address is: Favros Law, 701 Fifth Avenue, Suite 4750, Seattle, Washington
4 98104.

5 3. On or about August 20, 2008, the Board issued Physician's and Surgeon's Certificate
6 No. G 88329 to Sanjeev Jain, M.D. (Respondent). The Physician's and Surgeon's Certificate was
7 in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-
8 043770, and will expire on August 31, 2020, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 800-2018-043770 was filed before the Board, and is currently
11 pending against Respondent. The Accusation and all other statutorily required documents were
12 properly served on Respondent on August 27, 2018. Respondent timely filed his Notice of
13 Defense contesting the Accusation.

14 5. A copy of Accusation No. 800-2018-043770 is attached as exhibit A and incorporated
15 herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with his Washington counsel, and
18 understands the charges and allegations in Accusation No. 800-2018-043770. Respondent has
19 also carefully read, fully discussed with his Washington counsel, and understands the effects of
20 this Stipulated Settlement and Disciplinary Order.

21 7. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
23 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
24 to the issuance of subpoenas to compel the attendance of witnesses and the production of
25 documents; the right to reconsideration and court review of an adverse decision; and all other
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 **CULPABILITY**

2 9. For the purpose of resolving the charges and allegations in the Accusation, without
3 the expense and uncertainty of further proceedings, Respondent agrees that based on the
4 Stipulation for Informal Disposition entered by the State of Washington Medical Quality
5 Assurance Commission as alleged in the Accusation, cause exists to take disciplinary action
6 against his California physician's and surgeon's certificate.

7 10. Respondent agrees that his Physician's and Surgeon's Certificate No. G 88329 is
8 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
9 in the Disciplinary Order below.

10 **CONTINGENCY**

11 11. This stipulation shall be subject to approval by the Medical Board of California.
12 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
13 Board of California may communicate directly with the Board regarding this stipulation and
14 settlement, without notice to or participation by Respondent or his Washington counsel. By
15 signing the stipulation, Respondent understands and agrees that he may not withdraw his
16 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.
17 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
18 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
19 in any legal action between the parties, and the Board shall not be disqualified from further action
20 by having considered this matter.

21 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
23 signatures thereto, shall have the same force and effect as the originals.

24 13. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:
27
28

1 **DISCIPLINARY ORDER**

2 A. **PUBLIC REPRIMAND**

3 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 88329 issued
4 to Respondent Sanjeev Jain, M.D. is hereby publicly reprimanded pursuant to California Business
5 and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in connection with
6 Respondent's actions as set forth in Accusation No. 800-2018-043770 is as follows:

7 On April 12, 2018, the State of Washington Medical Quality Assurance Commission issued
8 a Stipulation to Informal Disposition based on Respondent's supervision of a fourth year medical
9 student who treated patients at his clinic without Respondent physically on site and not pursuant
10 to a regular course of instruction at the student's medical school.

11 B. **EDUCATION COURSE** Within 60 calendar days of the effective date of this
12 Decision, Respondent shall submit to the Board or its designee for its prior approval educational
13 program(s) or course(s) focusing on the proper supervision of, and delegation to, advanced
14 practice nurses, physician assistants, midlevel practitioners, and medical students. The
15 educational program(s) or course(s) shall be Category I certified, shall be at respondent's expense
16 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
17 licensure.

18 A program or course taken after the acts that gave rise to the charges in the Accusation, but
19 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,
20 be accepted toward the fulfillment of this condition if the course would have been approved by
21 the Board or its designee had the course been taken after the effective date of this Decision.

22 Respondent shall submit a certification of successful completion to the Board or its
23 designee not later than 15 calendar days after successfully completing the course, or not later than
24 15 calendar days after the effective date of the Decision, which ever is later. Failure to enroll in,
25 participate in, or successfully complete the educational program(s) or course(s) within the
26 designated time period shall constitute unprofessional conduct and be grounds for further
27 disciplinary action.
28

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my Washington attorney, Jennifer Smitrovich. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 03/12/2019



SANJEEV JAIN, M.D.
Respondent

I have read and fully discussed with Respondent Sanjeev Jain, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 03/13/2019



JENNIFER SMITROVICH
Washington Counsel for Respondent

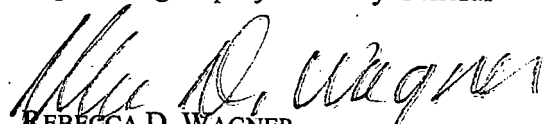
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 3-13-2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



REBECCA D. WAGNER
Deputy Attorney General
Attorneys for Complainant

SF2018200972
Jain.sanjeev.stipulated.settlement

Exhibit A

Accusation No. 800-2018-043770

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 REBECCA D. WAGNER
Deputy Attorney General
4 State Bar No. 165468
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3760
6 Facsimile: (415) 703-5480
E-mail: Rebecca.Wagner@doj.ca.gov
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Aug 27 20 18
BY [Signature] ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-043770

13 **Sanjeev Jain, M.D.**
14 **1999 Mowry Avenue, Suite L**
15 **Fremont, CA 94538**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 88329,**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about August 20, 2008, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 88329 to Sanjeev Jain, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on August 31, 2018, unless renewed.
27
28

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under

1 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
2 for unprofessional conduct against the licensee in this state."

3 6. Section 141 of the Code states:

4 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
5 department, a disciplinary action taken by another state, by any agency of the federal government,
6 or by another country for any act substantially related to the practice regulated by the California
7 license, may be a ground for disciplinary action by the respective state licensing board. A
8 certified copy of the record of the disciplinary action taken against the licensee by another state,
9 an agency of the federal government, or another country shall be conclusive evidence of the
10 events related therein.

11 "(b) Nothing in this section shall preclude a board from applying a specific statutory
12 provision in the licensing act administered by that board that provides for discipline based upon a
13 disciplinary action taken against the licensee by another state, an agency of the federal
14 government, or another country."

15 **CAUSE FOR DISCIPLINE**

16 **(Discipline, Restriction, or Limitation Imposed by Another State)**

17 7. Respondent Sanjeev Jain, M.D. is subject to disciplinary action under sections 141(a)
18 and/or 2305 of the Code in that on April 12, 2018, the State of Washington Medical Quality
19 Assurance Commission issued a Stipulation to Informal Disposition placing conditions on
20 Respondent's license and requiring the Respondent to complete the following: a compliance
21 orientation; an ethics course in the safe prescribing of opioid medications; a paper on what he
22 learned from the ethics course; and a paper to his medical student employee regarding what he
23 learned from the ethics course. In addition, the Respondent was restricted from precepting or
24 otherwise supervising medical students for at least two years. The circumstances are as follows:

25 8. On or about October 2016 to December 2016, a medical student under Respondent's
26 supervision treated patients at his clinic. The medical care was provided without Respondent
27 physically on site, and was not pursuant to a regular course of instruction through the student's
28

1 medical school. The Respondent billed health insurance carriers for six patients in his name when
2 medical care was actually provided by a medical student employed at his clinic.

3 9. Respondent's conduct and the action of the State of Washington Medical Quality
4 Assurance Commission as set forth in Paragraphs 7 and 8, above, and within the actual Board
5 documents attached as Exhibit A, constitutes unprofessional conduct within the meaning of 2305
6 and conduct subject to discipline within the meaning of section 141(a).

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:

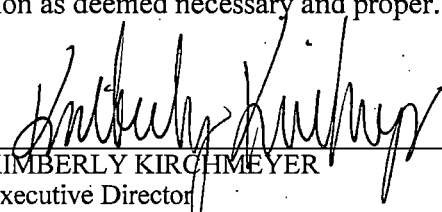
10 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 88329,
11 issued to Sanjeev Jain, M.D.;

12 2. Revoking, suspending or denying approval of Sanjeev Jain, M.D.'s authority to
13 supervise physician assistants and advanced practice nurses;

14 3. Ordering Sanjeev Jain, M.D., if placed on probation, to pay the Board the costs of
15 probation monitoring; and

16 4. Taking such other and further action as deemed necessary and proper.

17
18 DATED: August 27, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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20
21
22 SF2018200972
23 Jain.sanjeev.accusation
24
25
26
27
28

EXHIBIT A

**STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice
as a Physician and Surgeon of:

No. M2017-512

SANJEEV JAIN, MD
License No. MD00040042

**STIPULATION TO INFORMAL
DISPOSITION**

Respondent.

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Medical Quality Assurance Commission (Commission) issued a Statement of Allegations and Summary of Evidence (Statement of Allegations) alleging the conduct described below. Respondent does not admit any of the allegations. This Stipulation to Informal Disposition (Stipulation) is not formal disciplinary action and shall not be construed as a finding of unprofessional conduct or inability to practice.

1. ALLEGATIONS

1.1 On June 26, 2001, the State of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active.

1.2 Between at least October 2016 and December 2016, a medical student under Respondent's supervision treated patients at his clinic. The care was provided without Respondent physically on site and was not pursuant to a regular course of instruction through the student's medical school.

2. STIPULATION

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.180(10).

2.2 The parties wish to resolve this matter by means of a Stipulation pursuant to RCW 18.130.172(1).

2.3 Respondent agrees to be bound by the terms and conditions of this Stipulation.

2.4 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

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2.5 If the Commission accepts the Stipulation It will be reported to the National Practitioner Data Bank (45 CFR Part 60), the Federation of State Medical Boards' Physician Data Center and elsewhere as required by law.

2.6 The Statement of Allegations and this Stipulation are public documents. They will be placed on the Department of Health web site, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). They are subject to disclosure under the Public Records Act, Chapter 42.56 RCW, and shall remain part of Respondent's file according to the state's records retention law and cannot be expunged.

2.7 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

2.8 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

2.9 A violation of the provisions of Section 3 of this Stipulation, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

3. INFORMAL DISPOSITION

The Commission and Respondent stipulate to the following terms:

3.1 **Compliance Orientation.** Respondent shall complete a compliance orientation in person or by telephone within sixty (60) days of the effective date of this Stipulation. Respondent must contact the Compliance Unit at the Commission by calling (360) 236-2763, or by sending an email to: Medical.compliance@doh.wa.gov within twenty (20) days of the effective date of this Stipulation. Respondent must provide a contact phone number where Respondent can be reached for scheduling purposes.

3.2 **Ethics CME.** Within six (6) months of the effective date of this Stipulation, Respondent shall complete an intensive course in the safe prescribing of opioid medications. The course must be approved in advance by the Commission's designee. Pre-approval may be obtained by contacting the Compliance Unit using the contact information in Paragraph 3.1. The following course is pre-approved: "Medical Ethics

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and Professionalism One Day Conference" by Professional Boundaries, Inc. (PBI), various location; <https://professionalboundaries.com/me15.php>

3.3 **Paper.** Within **thirty (30) days** of completion of the ethics CME required under Paragraph 3.2, Respondent shall submit a typewritten paper of no less than one thousand (1,000) words regarding what he learned from the course and how he will apply this information in his practice moving forward. Respondent should be prepared to discuss the subject matter of the written paper with the Commission at his initial personal appearance. The paper shall be submitted to the Commission, in both electronic and printed format, to the addresses below:

1. Medical.compliance@doh.wa.gov

2. Compliance Officer
Medical Quality Assurance Commission
P.O. Box 47866
Olympia, Washington 98504-7866

3.4 **Letter to Medical Student.** Within **thirty (30) days** of completion of the ethics CME required under Paragraph 3.2, Respondent shall draft a letter to his medical student employee regarding what he learned from the course and what he did incorrectly. The letter shall be submitted to the Commission for approval, in both electronic and printed format, to the addresses below:

1. Medical.compliance@doh.wa.gov

2. Compliance Officer
Medical Quality Assurance Commission
P.O. Box 47866
Olympia, Washington 98504-7866

Respondent shall then transmit the approved letter to his medical student employee with a copy provided to the Commission using the contact information above.

3.5 **Personal Appearances.** Respondent must personally appear at a date and location determined by the Commission within approximately six (6) months after the effective date of this Stipulation, or as soon thereafter as the Commission's schedule permits. Thereafter, Respondent must make personal appearances annually or as frequently as the Commission requires unless the Commission waives the need for an appearance. Respondent must participate in a brief telephone call with the

Commission's Compliance Unit prior to the appearance. The purpose of appearances is to provide meaningful oversight over Respondent's compliance with the requirements of this Stipulation. The Commission shall provide reasonable notice of all scheduled appearances.

3.6 Restriction on Precepting Medical Students. Respondent shall not precept or otherwise supervise medical students until termination of this Stipulation.

3.7 Cost Recovery. Respondent shall reimburse costs to the Commission in the amount of one thousand dollars (\$1,000) which must be received by the Commission within six (6) months of the effective date of this Stipulation. The reimbursement will be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to:

Department of Health
Medical Quality Assurance Commission
P.O. Box 1099
Olympia, Washington 98507-1099

3.8 Obey Laws. Respondent must obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.9 Costs. Respondent must assume all costs that Respondent incurs in complying with this Stipulation.

3.10 Violations. If Respondent violates any provision of this Stipulation in any respect, the Commission may initiate further action against Respondent's license.

3.11 Change of Address. Respondent must inform the Commission and the Adjudicative Clerk Office in writing of changes in his residential and/or business address within thirty (30) days of such change.

3.12 Effective Date. The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

3.13 Termination of Stipulation. Respondent may petition the Commission in writing to terminate this Stipulation after two (2) years from its effective date. Upon a written petition to terminate, Respondent shall appear in person before the Commission at a date and location designated by the Commission unless otherwise waived by the

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Commission. An appearance on a petition to terminate may be combined with a required annual personal appearance. The Commission shall have full discretion to grant or deny the petition. If the Commission denies the petition, Respondent may petition again annually or at an interval otherwise determined by the Commission.

4. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions, including stipulations to informal disposition under RCW 18.130.172. Tier A of the "Practice Below Standard of Care", WAC 246-16-810, applies to cases where substandard practices resulted in no or minimal patient harm or risk of minimal patient harm. Respondent's care of Patients A-F did not cause patient harm. Therefore Schedule A therefore applies.

4.2 Tier A requires the imposition of sanctions ranging from two years of oversight to five years of oversight, unless revocation. Under WAC 246-16-800(3)(d), the starting point for the duration of the sanctions is the middle of the range. The Commission uses aggravating and mitigating factors to move towards the maximum or minimum ends of the range.

4.3 While the ultimate duration of this Stipulation is undetermined -- giving the Commission the discretion to lengthen the period of oversight -- it may be terminated after two years. This Stipulation deviates from the Tier A sanction schedule as the duration is undetermined. Here, the Commission has laid out a timeframe that requires several steps on the part of the Respondent -- first, participation in an ethics course and then at least one follow-up personal appearance before the Commission. The selection of two years is necessary to ensure that Respondent has an appropriate amount of time in which to reach compliance with the terms herein.

5. RESPONDENT'S ACCEPTANCE

I, Sanjeev Jain, MD, Respondent, certify that I have read this Stipulation in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation, I understand that I will receive a signed copy.

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Sanjeev Jain
SANJEEV JAIN, MD
RESPONDENT

3/20/18
DATE

JENNIFER M. SMITROVICH, WSBA#37062
ATTORNEY FOR RESPONDENT

3/26/18
DATE

6. COMMISSION'S ACCEPTANCE

The Commission accepts this Stipulation. All parties shall be bound by its terms and conditions.

DATED: 4-12, 2018.

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

[Signature]
PANEL CHAIR

PRESENTED BY:

Ka SK
KYLE/KARINEN, WSBA #34910
COMMISSION STAFF ATTORNEY



I declare that this is a true and accurate copy of the original on file with the Washington State Department of Health,
Medical Quality Assurance Commission

Michael J. Kramer
Michael J. Kramer

6-15-18
Date

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STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

FILED

APR 12 2018

Adjudicative Clerk Office

In the Matter of the License to Practice
as a Physician and Surgeon of:

No. M2017-512

SANJEEV JAIN, MD
License No. MD00040042

**STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE**

Respondent.

The Executive Director of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in Commission file number 2016-13895. The patients referred to in this Statement of Allegations and Summary of Evidence are identified in the attached Confidential Schedule.

1. ALLEGATIONS

1.1 On June 26, 2001, the State of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active.

1.2 Between at least October 2016 and December 2016, Respondent billed the health insurance carriers for Patients A-F in his own name for care provided by a medical student employed at his clinic.

A. On Thursday, October 6, 2016, Patient A was seen by the medical student. The corresponding billing for this visit that was sent to Patient A's health insurance carrier represented that Respondent had treated Patient A.

B. On Thursday, October 20, 2016, Patient B was seen by the medical student. The corresponding billing for this visit that was sent to Patient B's health insurance carrier represented that Respondent had treated Patient B.

C. On Thursday, October 27, 2016, Patient C was seen by the medical student. The corresponding billing for this visit that was sent to Patient C's health insurance carrier represented that Respondent had treated Patient C.

D. On Tuesday, November 22, 2016, Patient D was seen by the medical student. The corresponding billing for this visit that was sent to Patient D's health insurance carrier represented that Respondent had treated Patient D.

E. On Tuesday, December 6, 2016, Patient E was seen by the medical student. The corresponding billing for this visit that was sent to Patient E's health insurance carrier represented that Respondent had treated Patient E.

F. On Tuesday, December 13, 2016, Patient F was seen by the medical student. The corresponding billing for this visit that was sent to Patient F's health insurance carrier represented that Respondent had treated Patient F.

2. SUMMARY OF EVIDENCE

2.1 Respondent's treatment records -- including billing ledger -- for Patients A through F.

2.2 Respondent's statement to the Commission dated March 31, 2017.

3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(13) which provides in relevant part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

...
(13) Misrepresentation . . . in any aspect of the conduct of the business or profession;

4. NOTICE TO RESPONDENT

4.1 The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2). A proposed Stipulation to Informal Disposition is attached, which contains the disposition the Commission believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation to Informal Disposition is appropriate, Respondent should sign and date the Stipulation to Informal Disposition and return it within twenty-eight (28) days to the Medical Quality Assurance Commission at P.O. Box 47866, Olympia, Washington 98504-7866.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation to Informal Disposition are appropriate, Respondent should contact Kyle Karinen, Staff Attorney for the Medical Quality Assurance Commission, P.O. Box 47866, Olympia, Washington 98504-7866, (360) 236-4810 within twenty-eight (28) days.

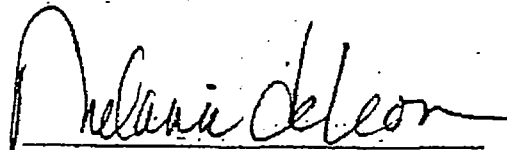
4.4 If Respondent does not respond within twenty-eight (28) days, the Commission will assume Respondent has declined to resolve the allegations by means of a Stipulation to Informal Disposition.

4.5 If Respondent declines to resolve the allegations by means of a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2), the Commission may proceed to formal disciplinary action against Respondent by filing a Statement of Charges, pursuant to RCW 18.130.172(3).

4.6 The cover letter enclosed with this Statement of Allegations and Summary of Evidence was mailed to the name and address currently on file for Respondent's license. Respondent must notify, in writing, the Commission if Respondent's name and/or address changes.

DATED: September 26, 2017.

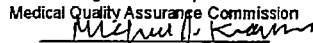
STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE
COMMISSION



MELANIE DE LEON
EXECUTIVE DIRECTOR


KYLE KARINEN, WSBA #34910
COMMISSION STAFF ATTORNEY

I declare that this is a true and accurate copy of the original on file
with the Washington State Department of Health,
Medical Quality Assurance Commission


Michael J. Kramer

6-15-18
Date



CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1)

Patient A

Patient B:

Patient C:

Patient D:

Patient E:

Patient F:

ORIGINAL